

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.,  
SAMSUNG ELECTRONICS AMERICA,  
INC.,

Defendants.

Case No. 2:22-cv-00422-JRG-RSP

**JURY DEMANDED**

**DECLARATION OF JAMES MILKEY IN SUPPORT OF PLAINTIFF HEADWATER  
RESEARCH LLC'S OPPOSITION TO SAMSUNG'S MOTION TO STRIKE EXPERT  
REPORT OF ERIK DE LA IGLESIAS AS TO SECONDARY CONSIDERATIONS  
BASED UPON THE ITSON SOLUTION**

1. I, James Milkey, declare as follows.
2. I am counsel for Headwater Research LLC (“Headwater”) in the above-captioned action. I provide this declaration in support of Headwater’s Opposition to Samsung’s Motion to Strike Expert Report of Erik de la Iglesia as to Secondary Considerations Based upon the ItsOn Solution. I have personal knowledge of the facts set forth herein, and if called upon to testify, could and would testify competently thereto.
3. Attached as Exhibit A is a true and correct copy of the Supplemental Expert Report of Erik de la Iglesia Regarding Validity Based on New Deposition of Krista Jacobsen that Samsung Took on May 21, 2024, dated May 24, 2024.
4. Attached as Exhibit B is a true and correct copy of the deposition transcript of Krista Jacobsen, dated May 21, 2024.
5. Attached as Exhibit C is a true and correct copy of U.S. Patent No. 9,143,976, issued on September 22, 2015.
6. Attached as Exhibit D is a true and correct copy of U.S. Patent No. 9,137,701, issued on September 15, 2015.
7. Attached as Exhibit E is a true and correct copy of U.S. Patent No. 9,609,544, issued on March 28, 2017.
8. Attached as Exhibit F is a true and correct copy of U.S. Patent No. 9,271,184, issued on February 23, 2016.
9. Attached as Exhibit G is a true and correct copy of a document produced bearing the Bates number HW-SAM\_TMO\_00001009.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 24, 2024 at Los Angeles, California.

By: */s/ James Milkey*  
James Milkey

**CERTIFICATE OF SERVICE**

I hereby certify that on May 24, 2024, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF System per Local Rule CV-5(a)(3).

*/s/ James Milkey*  
James Milkey